



FOIA/PA REQUEST
Case No. 2008-0033
Date Rec'd: 11-5-07
Specialist: Winters
Related Case: _____

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

Darren B. Ash
Chief F.O.I.A. Officer
U.S. Nuclear Regulatory Commission
Mail Stop 807
1 White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

November 5, 2007

Dear Mr. Ash:

Pursuant to the Freedom of Information Act (F.O.I.A.), 5 U.S.C. § 552, the State of New York respectfully requests that the Nuclear Regulatory Commission (NRC) provide a copy of the following documents:

all documents submitted by Consolidated Edison Co., the New York Power Authority, or any Entergy business entity to the NRC as part of the Individual Plant Examination of External Events Program that concern the assessment of accident risks due to seismic events at the Indian Point Nuclear Power Station.

This request includes any documents that accompanied such submissions including, but not limited to, any transmittal letters and any attachments or enclosures.

To assist in the location of the requested documents, the State provides the following background.

Background

The April 2002 NUREG 1742, entitled Perspectives Gained from the Individual Plant Examination of External Events (IPEEE) Program, states that "licensees for every operating commercial nuclear power reactor in the United States have performed an assessment of severe accident risk due to seismic events." NUREG 1742, Vol. 1, at p. 2-1. The assessments were submitted in response to the NRC's June 28, 1991 request for such information, Generic Letter 88-20. On September 8, 1995, the NRC issued a supplement to Generic Letter 88-20 notifying licensees of the scope of the IPEEE seismic assessment for certain nuclear power plants located in the eastern United States.

After receiving the licensees' assessments, the NRC also prepared a Staff Evaluation Report (SER) to document the staff's conclusions regarding each facility's review as well as Technical Evaluation Reports (TER) for each of the licensees' submissions. NUREG 1742, Vol. 1, at xvii-xviii.

Document Request

As specified above, the State of New York requests copies of all documents submitted by Consolidated Edison Co., the New York Power Authority, or any Entergy business entity¹ to the NRC as part of the IPEEE program that concern the assessment of accident risks due to seismic events at the Indian Point Nuclear Power Station. This request includes all transmittal letters and any attachments or enclosures to such submissions.

Request for Waiver of Fee

This information is requested by the Office of the Attorney General of the State of New York in the course of its official duties on behalf of the People of the State of New York. Because disclosure of the requested information is in the public interest and for a public purpose, the State hereby requests a fee waiver for the copies of the requested documents.

Delivery of Documents

Please e-mail the documents to my attention using the e-mail address provided below.

If you have any questions concerning this F.O.I.A. request, please telephone me. Thank you for your attention to this matter.

Respectfully submitted,

/s/

John J. Sipos
Assistant Attorney General
(518) 402-2251
john.sipos@oag.state.ny.us

Linda Friedman, Legal Assistant
Office of the Attorney General

¹The term "Entergy business entity" includes, but is not limited to, Entergy Nuclear Indian Point 2, LLC, Entergy Nuclear Indian Point 3, LLC, and Entergy Nuclear Operations, Inc.

From: "John Sipos" <John.Sipos@oag.state.ny.us>
To: <dba1@nrc.gov>
Date: 11/05/2007 11:11:28 AM
Subject: 2007.11.05.FOIA.IP.seismic.submissions.pdf

Dear Mr. Ash:

Enclosed please find a request for documents submitted to the NRC by the owners/operators of the Indian Point Nuclear Power Station pertaining to seismic risks and issues.

If you or your staff have any question, please do not hesitate to call me at 518.402.2251.

Thank you.

John Sipos
Asst. Atty. General

CC: "Linda Friedman" <Linda.Friedman@oag.state.ny.us>